

LFLAC Meeting Minutes

January 24, 2008

Janice Ashe opened the meeting by sending around the listserv to ensure everyone's correct email was listed and add those who are not on it.

Judge Stuart then gave an overview of LFLAC and the last LFLAC meeting that was held on October 25, 2007. Minutes were distributed to anyone who did not receive minutes from the listserv. All were reminded that the Multnomah Family Law Bench hopes to increasingly use the Multnomah County Circuit Court website [<http://www.ojd.state.or.us/mul/Family.html>] to post LFLAC meeting minutes as well as to post family law and juvenile court reminders to attorneys and parties (E.G. 20 Top Reasons Your Documents are Returned from the Court), policy changes and other general information.

The group reviewed the three general subject areas which were agreed upon at the October meeting as the areas the group should address first. There continues to be consensus that these issues require the most immediate attention. No additional subject areas were urged upon the group. All people present as well as the family law community at large are encouraged to participate in one of the 3 subcommittees by contacting the chair for inclusion in ongoing notices of upcoming meetings.

The current subcommittees are: the Call/Status and Settlement Conference Subcommittee, The Parenting Plan Guideline/ Supervised Parenting Time Subcommittee and the SLR Review Subcommittee. Chairs of each subcommittee then gave a brief overview of the committees work.

1. Call/Status Conference/ Settlement Conference. Judge Waller related that the subcommittee was in agreement that it would be beneficial to the early resolution of cases to create additional opportunities for attorneys to talk and attempt to reach settlement with input from the bench before trial. Judge Waller has obtained information from the Washington County bench about some of their procedures.

Because of the current calendaring pressures on Multnomah County Family Judges, the Court is not considering at this time going to assignment process like Washington County where each case is assigned to a set judge at the time of filing. However, other procedures may be looked at.

With the innovations the Court is trying with the Juvenile Court calendar and call process, it is hoped that judges will have more opportunities on their dockets for settlement conferences to be scheduled, and for retain cases to be set more quickly. Until it is seen if the

new procedures have this effect, Judge Koch has graciously agreed to be available on Fridays for family law and juvenile settlement conferences. Attorneys may call his department directly.

The subcommittee is taking a look at setting up a call system similar to the criminal and civil call system. Parties would be required to appear in person at call to report to the court as to the status of the cases' readiness for hearing and/or trial. A change of our current complicated system may help to reduce the confusion among pro se litigants and even attorneys thus reducing the burden on the court and litigants when matters are set for 15 minutes but parties appear ready to proceed for trial. This issue is still under discussion.

The committee's next meeting will be on _____, 2008 at 7:30 a.m. in room 406.

2. Parenting Time. The subcommittee's chair, Janice Ashe described the initial efforts of the subcommittee looking at the court's current SLR parenting time guideline and whether it currently serves both ex parte litigants, represented parties, parents who are cooperating and going well and parents who are struggling.

The subcommittee is looking at whether eliminating the existing local guideline and referring parties to the various parenting plan options on OJD website might be a better option. If however, the local guideline is updates, Mark Kramer is compiling a list of the most vexing issues parents have with parenting plans.

The subcommittee is also tasked with proposing the necessary credential criteria for parenting time coordinators who the court may appoint to assist in high conflict parenting time cases.

The subcommittee will also be looking at issues regarding what resources are available for supervised parenting time. The Safety Matters' grant is being reduced to the point that they may have to close. Many families rely on this service.

The subcommittee's next meeting is February 14, 2008 at 12 p.m. in room 356.

3. Supplementary Local Rules Subcommittee. This subcommittee is being chaired by Judge McKnight and will reviewing a number of current family law and civil SLRs to determine if rules need updating to conform with practice or if additional rules are needed to address practice problems or to give better notice to litigants of common practice.

In particular, the subcommittee intends to review: Procedures for in camera review of documents; any rules necessary as result of the Call/Settlement conference subcommittee, the resumed use of document checklists removing the burden of checking all documents from the shoulders of the clerks in represented cases and returning to attorneys, reinstatement of cases and compliance with SLR 8.044, what procedure is used for motions submitted to the court without scheduling a hearing, ex parte practice - proof of service requirements, and comparison with other jurisdictions' SLRs.

At this time there are more judges than attorney's on this subcommittee. More attorneys are welcome. If anyone is interested contact Judge McKnight. Future subcommittee meetings will hopefully occur on: Tues- 2/26, Tues - 3/18, Tues- 4/22, Tues- 5/27, Tues- 6/24, Tues- 7/22, and Tues- 8/26. All meeting will be held at 12 p.m. in Room 448

The LFLAC then had an open discussion of a number of issues. The desire to see simpler, one page forms was discussed including creating a simpler form combining the certificate of residency, certificate of child support preceding, and creating a 1 page form for the withholding of social security numbers, birth date etc.

Several people voiced the need for a model in-camera review motion and order. The general issue of CARES documents and withholding of records was discussed.

Again, the court solicited input on how to best communicate with the family law and juvenile law community. Last month a notice was included in the MBA newsletter directing people to the family law web page. The group agreed that the use of the webpage can be a powerful way to convey information if the court begins using it more regularly.

There was also a discussion about FAPA hearings, and the difficulty with hearings being scheduled quickly as required by law for people at a distance to attend. There was a discussion of the possibilities that video conference may bring. However, Doug Bray pointed out the problems that exist with serving copies of FAPA orders on both parties when appearances are happening electronically.

Judge Waller reminded the group that various new family law forms will soon be in use, including the new state wide FAPA forms. These new forms will be posted on the family law web site.

Janice Ashe let everyone know that Family Court Services is busier preparing custody and parenting time studies right now than they have been in over 6 months. Each clinician is handling 10-12 cases and delays can be expected to occur. The good news from family court services is that satisfaction rates are high for parenting classes and orientation to mediation.

The next LFLAC meeting is April 17, 2008 at 12:00 p.m. in room 406